

PLAINTIFF'S EXHIBIT LIST

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00322

Hilltop Church of the Nazarene,
Plaintiff,

v.

Church Mutual Insurance Company,
Defendant.

Before BARKER, *District Judge*

PLAINTIFF'S EXHIBIT LIST

Judge J. Campbell Barker	PLAINTIFF'S ATTORNEY: Preston J. Dugas, III Vincent P. Circelli	DEFENDANT'S ATTORNEY: G. Brian Odom Lindsey P. Bruning Kiri D. Deonarine
TRIAL DATE(S): November 14, 2022	COURT REPORTER: Susan Zeelie	COURTROOM DEPUTY: Nicole Cadenhead

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	AGREEMENT OR DEFENDANT'S OBJECTION
1.			Denial letter, dated April 30, 2020, bates labeled CM_000013 – CM_000015	Agreed
2.			Certified Insurance Policy, bates labeled CM_000052 – CM_000325	Agreed
3.			Premier Adjustment Group estimate, dated December 8, 2019, bates labeled HILLTOP_000490 – HILLTOP_000499	Agreed
4.			Attorney client fee agreement, bates labeled HILLTOP_000501 – HILLTOP_000503	Agreed

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	AGREEMENT OR DEFENDANT'S OBJECTION
5.			Photographs, bates labeled HILLTOP_000504 – HILLTOP_000509, HILLTOP_000614	Agreed
6.			Duane Smith photographs, SMITH_000117 – SMITH_000605	Agreed
7.			Insurance Adjusters Group LLC photographs, SMITH_000002 – SMITH_000061	Agreed
8.			Hail History Report, bates labeled JUDGE_000005	Agreed
9.			Wind History Report, bates labeled JUDGE_000006	Agreed
10.			Photographs, bates labeled JUDGE_000012 – JUDGE_000020	Agreed
11.			JM Judge & Associates Estimate, bates labeled JUDGE_000024 – JUDGE_000034	Defendant objects to the extent Plaintiff seeks to admit its expert's report as it contains out of court statements offered to prove the truth of the matter asserted and are accordingly inadmissible hearsay. FRE 801(c)(2); Balfour Beatty Rail, Inc. v. Kansas City Southern Railway Co., 173 F.Supp.3d 363, 413 (N.D.Tex. 2016).
12.			DTPA Notice and Demand Letter, bates labeled CM_000564 – CM_000565	Agreed
13.			Texas Insurance Code Section 542A.003 Notice, bates labeled CM_000562 – CM_000563	Agreed

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	AGREEMENT OR DEFENDANT'S OBJECTION
14.			Photographs, bates labeled CM_000617 – CM_000753	Agreed
15.			Plaintiff's Experts' Reports and Attachments (only if Defendant's Experts' Reports and Attachments are admitted)	Defendant objects to the admissibility of Plaintiff's expert reports as they are out of court statements offered to prove the truth of the matter asserted and are accordingly inadmissible hearsay. FRE 801(c)(2); Balfour Beatty Rail, Inc. v. Kansas City Southern Railway Co., 173 F.Supp.3d 363, 413 (N.D.Tex. 2016).

Hilltop Church of the Nazarene reserves the right to supplement this exhibit list and also reserves the right to use any exhibit listed on any other party's exhibit list. Hilltop Church of the Nazarene further reserves the right to introduce additional exhibits for purposes of impeachment or rebuttal.

Respectfully submitted,

/s/ Vincent P. Circelli

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF CONFERENCE OF CONFORMITY
WITH THE COURT'S SCHEDULING ORDER**

This certifies that the parties met and conferred regarding the admissibility of each exhibit listed above. This further certifies that counsel for Defendant has agreed to the admissibility of the exhibits above where noted. For those exhibits not agreed to, the objections listed above constitute the nature and legal basis of any objection to admissibility.

/s/Lindsey P. Bruning

Lindsey P. Bruning

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2022, a true and correct copy of the foregoing was served on all counsel of record pursuant to Federal Rule of Civil Procedure 5(b), as follows:

Via E-Serve

G. Brian Odom

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ATTORNEYS FOR DEFENDANT

/s/ Vincent P. Circelli

Vincent P. Circelli